UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/573,536	LEE ET AL.
	Examiner	Art Unit	
	GREG BENGZON	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 August 2010</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>32-39,41-49,51-57 and 59-67</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>32-39,41-49,51-57 and 59-67</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>07/27/2010</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

This application has been examined.   Claims 32-39,41-49,51-57,59-67 are

pending. Claims 40,50,58 are cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

08/05/2010 has been entered.

Priority

This application claims benefits of priority from Foreign Application 10-2003-

0067204 (KOREA) filed September 27, 2003.

The effective date of the claims described in this application is September 27,

2003.

Response to Arguments

Applicant's arguments filed 08/05/2010 have been fully considered but they are

not persuasive.

Applicant presents the following argument(s) [*in italics*]:

... Lamkin only discloses temporal information (i.e.; no spatial relationship) by

showing each entity according to the master timeline. Lamkin can not disclose "spatial

relation information for describing relative locations of the contents consumption",

because the showing of each entity according to the master timeline described by

Lamkin is not for describing relative locations of the contents consumption but for

explaining temporal information...

The Examiner respectfully disagrees with the Applicant.

The Examiner interprets the spatial relationship as regarding specific region on

the display screen for multiple sub-window as per Applicant Specification Table 11 Page

24.

Lamkin Paragraph 381 disclosed wherein the metadata includes, for example, a

location of the entity which is used by the content manager to properly place the entity

within a collection and is also is used to stitch the varies entities within a collection

together using a declarative language model, where each element in the XML file

instructs the system what is to be shown at a specific time along a master timeline to

further allow real-time, retrieval, rendering and stitching of entities.

Lamkin Paragraph 16-117,Figure 11,Figure 24-26,Paragraph 530,Paragraph 536

disclosed wherein the presentation layout engine 216 determines where on the

presentation device different entities within a collection will be displayed by reading

collection metadata and/or entity metadata. The content manager 470 delivers to the presentation layout manager 462 the information to display the entities on the screen and controls the positioning, layers, overlays, and overall output of the presentation layout manager 462. The sub windows are maintained in a separate frame buffer from the content area and its orientation is sent to the compositor (in X, Y coordinates) for the compositor to move and refresh.

Thus the Lamkin metadata disclosed spatial metadata describing *relative locations (on the display screen of the device) of the contents consumption.*

The Applicant presents the following argument(s) [*in italics*]:

... claims have been amended to generate the content for a respective user terminal without receiving a request and without any need for searching for the determined content for providing the respective content matched to the respective terminal.

Lamkin must receive a "request" for content from a "terminal", then "search" ..., and finally "collect" the plurality of entities and collection metadata before analyzing the condition of the usage environment of the user terminal from the packaged metadata. terminal.

The Examiner respectfully disagrees with the Applicant. The Examiner notes that Applicant Specification Page 4 Lines 30-35 and Page 8 Lines 20-35 indicate that a request for content is received before analyzing/obtaining content. The claimed

invention requires user input and knowledge of the user terminals before analyzing/ obtaining the content. Thus the Examiner does not detect any distinction between Lamkin and the claimed invention because they both require user input and knowledge of the user terminals before analyzing/ obtaining the content.

The Examiner respectfully requests clarification and the pertinent portions of the Applicant Specification regarding wherein the *present invention does not require the request, search.*

Further while Lamkin disclosed an embodiment wherein Lamkin receives a request for content, Lamkin is not limited to this embodiment.

Lamkin disclosed (re. Claim 32) providing the desired content to the user terminal '*without receiving a request from the user terminal and without any need for searching for the determined content'.* (Lamkin- Paragraph 203,Paragraph 240 *searches for content using automated agent NCAA and stores the collection of content,* Paragraph 518, *based on a set of presentation rules or user profiles,* Paragraph 35. Since Lamkin stores the *presentation rules or user profiles* Lamkin is able to collect content without a specific request from a user. Further since Lamkin stores the collection of content Lamkin is able to repeatedly provide the stored content without having to search.

Thus Lamkin disclosed providing the desired content to the user terminal '*without receiving a request from the user terminal and without any need for searching for the determined content'.*

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

Claims 32, 50 recite a limitation '*without receiving a request from the user terminal and without any need for searching for the determined content'.*

The Examiner cannot detect any description of an embodiment wherein desired content is provided '*without receiving a request from the user terminal and without any need for searching for the determined content'* in the Applicant Specification. The Examiner notes that Applicant Specification Page 4 Lines 30-35 and Page 8 Lines 20-35 indicate that a request for content is received before analyzing/obtaining content. The claimed invention requires user input and knowledge of the user terminals before analyzing/ obtaining the content.

The claim or claims must conform to the invention as set forth in the remainder of the specification and the *terms and phrases used in the claims must find clear support*

or antecedent basis in the description so that the meaning of the terms in the claims

may be ascertainable by reference to the description.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 32-39,41-43,49,51-57,59-61,67 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Lamkin (US Publication 2004/0220926) further in view of

Benitez (US Patent 7185049).

Lamkin disclosed (re. Claim 32) (new) a contents service providing system, the

system comprising:

an analyzing unit for analyzing conditions of a usage environment of a user

terminal based on package metadata and determining contents matched with the

conditions; (Lamkin-Paragraph 165-Paragraph 167)

and

a providing unit for providing the determined contents to the user terminal,

(Lamkin-Paragraph 155-Paragraph 167, *'collection of content'*)

wherein the targeting condition metadata includes component metadata for describing

attributes of the contents, relation metadata for describing temporal/spatial relation of

the contents, (Lamkin-Paragraph 376) and targeting condition metadata for describing

the conditions, wherein the *targeting condition metadata* (Lamkin-Paragraph 31,receive

search parameter for collecting desired content,Paragraph 164, search criteria provided

by the user for acquiring content) and is capable of *targeting* the contents to the user

terminal and *the relation metadata enables to consume* (Lamkin-Paragraph 273,*SMIL*

Timing provides attributes that can be used to specify an elements timing behavior) a

variety of contents with the temporal/spatial relation in the user terminal. (Lamkin-

Paragraph 116, *presentation layout engine determines how and where on the*

presentation device the content will be displayed to the user)

Lamkin disclosed a content manager to setup a graceful degradation of the

presentation according the user input conditions.   The collection of content 1150 also

includes collection metadata. The collection metadata can include information about

when along the timeline each of the entities will be displayed in relation to the other

entities.

The Examiner interprets the spatial relationship as regarding specific region on the display screen for multiple sub-window as per Applicant Specification Table 11 Page 24.

Lamkin Paragraph 381 disclosed wherein the metadata includes, for example, a location of the entity which is used by the content manager to properly place the entity within a collection and is also is used to stitch the varies entities within a collection together using a declarative language model, where each element in the XML file instructs the system what is to be shown at a specific time along a master timeline to further allow real-time, retrieval, rendering and stitching of entities.

Lamkin Paragraph 16-117,Figure 11,Figure 24-26,Paragraph 530,Paragraph 536 disclosed wherein the presentation layout engine 216 determines where on the presentation device different entities within a collection will be displayed by reading collection metadata and/or entity metadata. The content manager 470 delivers to the presentation layout manager 462 the information to display the entities on the screen and controls the positioning, layers, overlays, and overall output of the presentation layout manager 462. The sub windows are maintained in a separate frame buffer from the content area and its orientation is sent to the compositor (in X, Y coordinates) for the compositor to move and refresh.

Thus the Lamkin metadata disclosed spatial metadata describing *relative locations (on the display screen of the device) of the contents consumption.*

While Lamkin and Benitez have overlapping disclosures regarding temporal/ spatial information Lamkin did not disclose specific details regarding said temporal/spatial information.

While Lamkin substantially disclosed the claimed invention Lamkin did not disclose (re. Claims 32) wherein the metadata includes relation metadata for describing temporal/spatial relation of the content. Lamkin did not disclose (re. Claims 41,59) wherein the temporal relation information includes MPEG-7 MDS TemporalRelation CS information; (re. Claim 42,60) wherein the spatial relation information includes MPEG-7 MDS BaseRelation CS information; (re. Claim 43,61) wherein the spatial relation information includes MPEG-7 MDS SpatialRelation CS information.

Benitez disclosed (re. Claims 32) wherein the metadata includes relation metadata for describing temporal/spatial relation of the content.   (Benitez-Column 12 Lines 1-25)

Benitez disclosee (re. Claims 41,59) wherein the temporal relation information includes MPEG-7 MDS TemporalRelation CS information; (Benitez-Column 12 Lines 1-25) (re. Claim 42,60) wherein the spatial relation information includes MPEG-7 MDS BaseRelation CS information; (Benitez-Column 12 Lines 1-25) (re. Claim 43,61) wherein the spatial relation information includes MPEG-7 MDS SpatialRelation CS information. (Benitez-Column 12 Lines 1-25)

Lamkin disclosed (re. Claim 32) providing the desired content to the user terminal 'without receiving a request from the user terminal and without any need for searching for the determined content'. (Lamkin- Paragraph 203,Paragraph 240 searches for content using automated agent NCAA and stores the collection of content, Paragraph 518, based on a set of presentation rules or user profiles, Paragraph 35. Since Lamkin stores the presentation rules or user profiles Lamkin is able to collect content without a specific request from a user. Further since Lamkin stores the collection of content Lamkin is able to repeatedly provide the stored content without having to search.)

Lamkin and Benitez are analogous art because they present concepts and practices regarding the use of metadata to filter and render the multimedia content according to user preferences. At the time of the invention it would have been obvious to combine Benitez into Lamkin in order to enable flexible description schemes for describing multimedia data. (Benitez-Column 4 Lines 45-55)

Claim 50 (re. a method for generating package metadata) is rejected on the same basis as Claim 32.

Lamkin-Benitez disclosed (re. Claim 33,51) wherein the component metadata include: component description metadata for describing general particulars of a component; (Lamkin-Paragraph 383-Paragraph 385) image component metadata for describing image attributes of an image component; (Lamkin-Paragraph 383-Paragraph 385) video component metadata for describing video attributes of a video component;

audio component metadata for describing audio attributes of an audio component;

(Lamkin-Paragraph 383-Paragraph 385) and application program component metadata

for describing application program attributes of an application program component.

(Lamkin-Paragraph 178-184,Paragraph 383-Paragraph 385)

The motivation to combine described in Claim 32 applies to Claim 33,51.

Lamkin-Benitez disclosed (re. Claim 34,52) wherein the image attributes include

a file size, a coding format, and a vertical/horizontal screen size. (Lamkin-Paragraph

137, Paragraph 163,'screen size')

The motivation to combine described in Claim 32 applies to Claim 34,52.

Lamkin-Benitez disclosed (re. Claim 35,53) wherein the video attributes include

coding format, and a vertical/horizontal screen size. (Lamkin-Paragraph 137, Paragraph

163,'screen size')

The motivation to combine described in Claim 32 applies to Claim 35,53.

Lamkin-Benitez disclosed (re. Claim 36,54) wherein the audio attributes include

a file size, a coding format, and channel information. (Lamkin-Paragraph 137,

Paragraph 163)

The motivation to combine described in Claim 32 applies to Claim 36,54.

Lamkin-Benitez disclosed (re. Claim 37,55)   component metadata for describing

general information on the components and information for each type of components

(Lamkin-Paragraph 194, Paragraph 324-Paragraph 328) including file size (Lamkin-

Paragraph 352,'size of the file')

The motivation to combine described in Claim 32 applies to Claim 37,55.

Lamkin-Benitez disclosed (re. Claim 38,56) wherein the component metadata

includes contents description metadata having a title, descriptive information (synopsis),

and keywords of the contents. (Lamkin-Paragraph 194, Paragraph 324-Paragraph 328,

Paragraph 227,'keywords and description')

The motivation to combine described in Claim 32 applies to Claim 38,56.

Lamkin-Benitez disclosed (re. Claim 39,57) wherein the component metadata

includes application program attributes metadata having application program

classification information of an application program. (Lamkin-Paragraph 194, Paragraph

324-Paragraph 328,'ratings classification')

The motivation to combine described in Claim 32 applies to Claim 39,57.

Lamkin-Benitez disclosed (re. Claim 40,58) wherein the relation metadata

include: interaction relation information for describing relative importance between the

components; (Lamkin-Paragraph 376) temporal relation information for describing a

temporal sequence of component consumption; (Lamkin-Paragraph 376)   and spatial

relation information for describing relative locations of the components on presentation

based on a user interface. (Lamkin-Paragraph 376)

The motivation to combine described in Claim 32 applies to Claim 40,58.

Lamkin-Benitez disclosed (re. Claims 41,59) wherein the temporal relation

information includes MPEG-7 MDS TemporalRelation CS information; (Benitez-Column

12 Lines 1-25) (re. Claim 42,60) wherein the spatial relation information includes

MPEG-7 MDS BaseRelation CS information; (Benitez-Column 12 Lines 1-25) (re.

Claim 43,61) wherein the spatial relation information includes MPEG-7 MDS

SpatialRelation CS information. (Benitez-Column 12 Lines 1-25)

The motivation to combine described in Claim 32 applies to Claim 41,42,43.

Lamkin-Benitez disclosed (re. Claims 49,67) wherein the package metadata

includes reference information including identification information for describing

locations of the contents.(Lamkin-Paragraph 384)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 44-48, 62-66 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lamkin (US Publication 2004/0220926) further in view of Benitez (US Patent

7185049) further in view of Errico (US Patent 7055168).

Lamkin-Benitez disclosed (re. Claim 44,62) wherein the targeting condition

metadata include: user condition information for describing user environment

characteristics; (Lamkin-Paragraph 165-Paragraph 167)

 terminal condition information for describing terminal environment

characteristics; (Lamkin-Paragraph 165-Paragraph 167)

and natural environment information for describing natural environment

characteristics such as the location of a terminal. (Lamkin-Paragraph 113, Paragraph

138)

While Lamkin-Benitez substantially disclosed the claimed invention Lamkin-

Benitez did not disclose (re. 44 ,62) network condition information for describing

network environment characteristics connected with the terminal.

Errico disclosed (re. 44,62) wherein the network environment characteristics

include a bandwidth of a network connected with the terminal, a delay characteristic and

an error characteristic. (Errico-Column 37 Lines 1-15)

Lamkin,Benitez and Errico are analogous art because they present concepts and practices regarding the use of metadata to filter and render the multimedia content according to user preferences. At the time of the invention it would have been obvious to combine Errico into Lamkin in order to enable users to maintain/specify multiple separate user preference descriptions corresponding to, for example, different locations (e.g., at home, at the office, away from home, stationary versus traveling in a vehicle), different situations.

Lamkin-Benitez-Errico disclosed (re. Claim 45,63) wherein the user environment characteristics include a user preference, (Lamkin-Paragraph 20) user history, (Lamkin-Paragraph 325) surge information and visual/auditory difficulty information. (Lamkin-Paragraph 165-Paragraph 167)

Lamkin-Benitez-Errico disclosed (re. Claim 46,64) wherein the terminal environment characteristics include codec capability, device attributes, and input/output characteristic information. (Lamkin-Paragraph 165-Paragraph 167)

Lamkin-Benitez-Errico disclosed (re. Claim 47,65) wherein the network condition information includes network capability information. (Errico-Column 37 Lines 1-15)

Lamkin-Benitez-Errico disclosed (re. Claim 48,66) wherein the natural environment characteristics include characteristics of audio/visual aspects, location information, and usage time of a digital item. (Lamkin-Paragraph 113, Paragraph 138)

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the enclosed PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG BENGZON whose telephone number is (571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Greg   Bengzon/
Examiner, Art Unit 2444